

RAYMOND C. CABALLERO
MAYOR



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
OCTOBER 30, 2001
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Paul Joseph Escobar, Luis G. Sariñana and Anthony Cobos. Absent: None. Meeting was called to order and the invocation was given by Father William Ryan, Immaculate Conception Church, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

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Motion made by Representative Medina, seconded by Representative Sumrall, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved under Consent Agenda will be shown with an asterisk {*}).

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*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meeting of July 17, 2001.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign contracts for the following artists to be accepted as part of the **FY2002 Arts in Education Program** of the Arts Resources Department as recommended by the Arts Resources Department's Advisory Board and Staff:

1. George Gerald Adams
2. Maria Alaniz
3. Terry Alvarez
4. Lorraine Alvarez Portilla
5. Arturo Del Hierro
6. Sidney Dictor
7. El Paso Association of Performing Arts: Special Edition Company
8. El Paso Association of Performing Arts: Shakespeare on the Run
9. Carmel Fenter
10. Nick Franco
11. Gabriel Gaytan
12. Lorenzo Guel

13. Lois Hobart
14. Art Lewis
15. Sibyl Lopez
16. Robert Manning
17. Leonardo Martinez
18. Derek Niegemann
19. Rick Parra
20. Tony Petry
21. Ana Lisa Portillo
22. Dorothy Proffitt
23. Cesar Ivan Quinonez
24. David Romo
25. Robin Scofield
26. Neal L. Smith
27. Theatre, Inc.
28. Carol Tures
29. Melissa Vilaga
30. Sandra Welch
31. Colleen Wright

*R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of FIVE THOUSAND EIGHT HUNDRED AND NO/100THS DOLLARS (\$5,800.00 - \$5,705 loan/\$95 grant) against the following described real property:

Lot 267, SINGH ADDITION THIRD SECTION, an Addition to the City of El Paso, El Paso County, Texas; according to the map thereof on file in Book 2, Page 59, Plat Records of El Paso County, Texas, also known and numbered as 608 Orozco Place, El Paso, Texas 79907.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

*R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of SEVEN THOUSAND SIX HUNDRED FIFTY AND NO/100THS DOLLARS (\$7,650.00 - \$6,995 loan/\$655 grant) against the following described real property:

Lot 17, Block 96, GOVERNMENT HILL ADDITION, an Addition to the City of El Paso, El Paso County, Texas; also known and numbered as 4507 Clifton Avenue, El Paso, Texas 79903.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

*Motion made, seconded and unanimously carried to postpone one week the Resolution that the Mayor's Brownfields Redevelopment Task Force be hereby created to assist with the implementation of the El Paso Brownfields Redevelopment Project and to make recommendations to the Mayor with respect to economic development of properties which may potentially be classified as brownfields sites and that the following individuals be nominated to serve as initial members of the Task Force:

Leslie Ann Allen
Rodolfo Mata

Larry González
Frederic P. Dalbin

Connie Crawford
Ismael Delgado

Manuel Pérez

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement granting an Overhead Electrical Easement to the El Paso Electric Company in a portion of Lot 18 and Lot 17, Block 72, Cotton Addition, El Paso County, Texas.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Geotechnical and Testing Laboratory Services by and between the **CITY OF EL PASO** and **ENCON International, Inc.**, for "**GEOTECHNICAL AND MATERIALS TESTING SERVICES (CITYWIDE)**" for a one (1) year period for an amount not to exceed SEVEN HUNDRED FIFTY THOUSAND DOLLARS AND 00/100 DOLLARS (\$750,000.00).

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Engineering Services between the **CITY OF EL PASO** and **DORADO ENGINEERING, INC.**, for a project known as "**Dale Road Parkway Improvements**" for an amount not to exceed FOURTEEN THOUSAND FIVE AND 00/100 DOLLARS (\$14,005.00) and that city staff be authorized to negotiate and the Mayor be authorized to execute adjustments to this contract upon review and approval of Dorado Engineering, Inc., and the City Attorney's office.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Engineering Services between the **CITY OF EL PASO** and **Brock & Bustillos, Inc.**, for a project known as "**Ladera Road Parkway Improvements**" for an amount not to exceed FIFTEEN THOUSAND EIGHT HUNDRED FOUR AND 81/100 DOLLARS (\$15,804.81) and that city staff be authorized to negotiate and the Mayor be authorized to execute adjustments to this contract upon review and approval of Brock & Bustillos, Inc., and the City Attorney's office.

Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Architectural Services between the **CITY OF EL PASO** and **ARTchitecture**, for a project known as "**New & Old Blackie Chesher Park Improvements**" for an amount not to exceed TWO HUNDRED THIRTY-FIVE THOUSAND NINE HUNDRED TWENTY-THREE AND 00/100 DOLLARS (\$235,923.00) and that city staff be authorized to negotiate and the Mayor be authorized to execute adjustments to this contract upon review and approval of ARTchitecture, and the City Attorney's office.

Representative Escobar asked that this item be placed on the Regular Agenda for public information. He asked Ms. Irene Ramirez, Assistant Deputy Director – Engineering, for elaboration.

Ms. Ramirez explained that the project calls for the preparation of design documents for the improvements of the "New & Old Blackie Chesher" parks which includes renovating the parking lot, landscaping, electrical/lighting improvements and rehabilitation of the press box.

Representative Escobar stated that he was real proud of the project. He stated he had spoken with constituents who have expressed their concerns with the park. He noted that these concerns would be addressed during the next 18 months.

Mayor Raymond C. Caballero commended Representative Escobar for his deep commitment to his district and to the parks throughout the City.

Motion made by Representative Escobar, seconded by Representative Sariñana and unanimously carried to approve the above Resolution.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Engineering Services between the **CITY OF EL PASO** and **VILLA VERDE, INC.**, for a project known as "**Taxco Drive and Acapulco Drive Parkway Improvements**" for an amount not to exceed EIGHT THOUSAND TWO HUNDRED FIFTY AND 00/100 DOLLARS (\$8,250.00) and that city staff be authorized to negotiate and the Mayor be authorized to execute adjustments to this contract upon review and approval of Villa Verde, Inc., and the City Attorney's office.

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*Motion made, seconded and unanimously carried to delete the Resolution appointing Raymond C. Caballero as member of the Housing Finance Corporation.

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*Motion made, seconded and unanimously carried to delete the Resolution ratifying the appointment of Robert Ash and Lina Ortega as members of the Housing Finance Corporation.

Ms. Rita Rodriguez, First Assistant City Attorney, explained that this Resolution was approved on September 18, 2001; therefore, the item necessitates deletion.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Memorandum of Understanding/Local Agency Agreement for Funding by and between the City of El Paso and the Texas Department of Public Safety to obtain funding in the amount of \$175,000.00 to enable the Police Department to purchase software and obtain training to convert to the National and Texas Incident Based Reporting Systems (NIBRS/TIBRS) as the Police Department's method of reporting crime statistics. There is no cost to the City.

***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 7th day of August, 2001, after due notice and hearing, ordered ERNEST S. HUEY, record Owner of the hereinafter described property that the Building be secured within thirty (30) days, and clean the premises of all weeds, trash, and debris all within thirty (30) days; and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to secure the Building, and clean the premises of all weeds, trash and debris; and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to secure the Building and clean the premises of all weeds, trash, and debris.

WHEREAS, the Deputy Director for Building Services Department has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council determines the actual cost of securing the Building and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

The Westerly 39.15 Feet of Lot 22 and the Easterly 33 Feet of Lot 23, Block 15, Tobin Park Addition, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 17, Page 7, Plat Records of El Paso County, Texas, more particularly described as 5025 Joe Herrera Drive,

to be \$2,247.16, performed by the Street Department of the City of El Paso, \$465.81 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report, making a total of \$2,712.97. The City Council finds that the work was completed on the 2nd day of October, 2001, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of TWO THOUSAND SEVEN HUNDRED TWELVE AND 97/XX DOLLARS (\$2,712.97) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the abovedescribed property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 17th day of October, 1995 and by Resolution dated the 28th day of August, 2001, after due notice and hearing, ordered ANNA K. VALDEZ, record Owner of the hereinafter described property that the Building be vacated within sixty (60) days, with relocation to begin twenty (20) days from the adoption of the Resolution dated the 28th day of August, 2001, demolished the Building and clean the premises of all weeds, trash, and debris all within sixty (60) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional twenty (20) days to vacate the Building, relocate the tenants, demolish the Building and clean the premises of all trash, debris, and open storage; and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to demolish the Building and clean the premises of all weeds, trash, and debris.

WHEREAS, the Deputy Director for Building Services Department has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council determines the actual cost of vacating the Building, relocating the tenants, demolishing the Building and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lots 26, 27, 28 and the South 2 Feet of Lot 29, Block 2, Hadlock's Suburban Gardens, an addition to the City of El Paso, El Paso County, Texas, according to the Map thereof on File in Book 12, Page 20, Plat Records of El Paso County, Texas, more particularly described as 231-235 Euclid Street, El Paso, Texas,

to be \$3,582.42, performed by the Street Department of the City of El Paso, \$1,079.71 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report, making a total of \$4,662.13. The City Council finds that the work was completed on the 2nd day of October, 2001, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of FOUR THOUSAND SIX HUNDRED SIXTY-TWO AND 13/XX DOLLARS (\$4,662.13) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the abovedescribed property are made a part of this Resolution by reference.

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***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 26th day of June, 2001, and by Resolution dated the 28th day of August, 2001, after due notice and hearing, ordered JUAN AND JULIE MENDEZ, record Owners of the hereinafter described property that the Building be demolished within thirty (30) days and clean

the premises of all weeds, trash, and debris all within thirty (30) days, and the Owners having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Building and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to demolish the Building and clean the premises of all weeds, trash, and debris.

WHEREAS, the Deputy Director for Building Services Department has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council determines the actual cost of demolishing the Building and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

The East ½ of Lot 4, Block 4, Glendale Addition, an addition to the city of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 8, Page 1, Plat Records of El Paso County, Texas, more particularly described as 6340 Geiger Avenue, El Paso, Texas,

to be \$2,852.42, performed by the Street Department of the City of El Paso, \$417.95 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report, making a total of \$3,270.37. The City Council finds that the work was completed on the 28th day of September, 2001, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of THREE THOUSAND TWO HUNDRED SEVENTY AND 37/XX DOLLARS (\$3,270.37) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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***RESOLUTION**

**THE STATE OF TEXAS,
COUNTY OF EL PASO,
CITY OF EL PASO.**

WHEREAS, the City of El Paso Health Facilities Development Corporation (the "issuer") was duly created and organized pursuant to and in accordance with the provisions of the Health Facilities Development Act, Chapter 221 Texas Health and Safety Code, as amended, for the purpose of providing, expanding, and improving health facilities that the Issuer determines are needed to improve the adequacy, cost, and accessibility of health care, research, and education.

WHEREAS, the Issuer has determined to issue its \$16,100,000 City of El Paso Health Facilities Development Corporation Senior Care Facilities Revenue Bonds (Bienvivir Senior Health Services Project) Series 2001 bonds for the purpose of providing, expanding, and improving health facilities that the Issuer determines are needed to improve the adequacy, cost, and accessibility of health care, research, and education in the City of El Paso.

WHEREAS, the Issuer has conducted and held a public hearing regarding issuance of the Bonds on August 20, 2001 at 9:05 a.m. pursuant to the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended; and

WHEREAS, the Issuer filed a Notice to the Governing Body of the City of El Paso as Sponsoring Entity of its Intent to Issue Bonds and providing Certain Information Relating Thereto on October 15, 2001; and

WHEREAS, the City approves and encourages the Issuer in its efforts to accomplish the issuance of the Bonds and, as part of such transaction, is willing to provide its General Certificate, and for the Mayor of the City to provide his Certificate concerning the conduct of the Public Hearing on August 20, 2001, copies of which are both attached here to as Exhibits to this Resolution and made a part hereof for all purposes; and (Exhibits on file with this Resolution in the City Clerk's Office).

WHEREAS, the City Council of the City of El Paso hereby authorizes the Mayor to execute both the said General Certificate of the City of El Paso and the Mayor's Certificate, and deliver same to the Issuer.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of El Paso, Texas, that:

- 1. The Preambles to this Resolution set forth above are incorporated herein and made part of this Resolution.
- 2. The Mayor of the City of El Paso is hereby authorized to execute a General Certificate of the City of El Paso and the Mayor's Certificate in the form attached as an Exhibits to this Resolution and delivery same to City of El Paso Health Facilities Development Corporation to be used in connection with the issuance of its Bonds.

On the 30th day of October 2001, the City Council of the City of El Paso, Texas, convened in a regular meeting at the regular meeting place thereof on the second floor of the Municipal Building, 2 Civic Center Plaza, El Paso, Texas, the meeting being open to the public and notice of said meeting, giving the date place and subject thereof, having been posted as prescribed in the Texas Open Meetings Act, Chapter 551, Government Code, Vernons Annotated Texas Statues, as amended, and the roll was called of the duly constituted officers and members of the City Council to-wit:

Raymond C. Caballero, Mayor	Jan Sumrall)	
Carole Hunter, City Clerk	Rose Rodriguez)	
	Larry M. Medina)	
	John F. Cook)	
	Daniel S. Power)	City Representatives
	Paul J. Escobar)	
	Luis G. Sariñana)	
	Anthony Cobos)	

and all of said persons were present, thus constituting a quorum. Whereupon, among other business, the following was transacted, to wit: A written Resolution bearing the following caption was introduced:

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A GENERAL CERTIFICATE OF THE CITY OF EL PASO AND THE MAYOR'S CERTIFICATION TO BE USED IN CONNECTION WITH THE ISSUANCE OF \$16,565,000, CITY OF EL PASO HEALTHCARE FACILITIES DEVELOPMENT CORPORATION SENIOR CARE FACILITIES REVENUE BONDS (BIENVIVIR SENIOR HEALTH SERVICES PROJECT) SERIES 2001.

The Resolution, a full, true and correct copy of which is attached hereto, was read and reviewed by the City Council.

Thereupon, it was duly moved and seconded that the Resolution be passed. The motion carried by the following vote:

- AYES: All City Representatives voted "Aye".
- NOES: None
- ABSTENTIONS: None

The Presiding Officer then declared the Resolution passed and declared the Resolution effective immediately.

Mr. Norman Gordon, Bond Counsel for the City of El Paso, explained that the Bond issuance amount would be changed from the \$16,565,000 as shown on the Agenda to "\$16,100,000" due to a more favorable interest rate,

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Application and related documents for a grant from the MetLife Foundation Museum Connections Program in the amount of \$50,500.00, on behalf of the El Paso Museum of Art, to expand the current Neighborhood Kids program for the period from August, 2002 through July, 2003. No matching funds are required.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a Second Amendment to the Agreement between eVerge Group of Texas, Ltd., and the City of El Paso, to reflect additional software consulting support services for the project known as Enhanced Financials Work Flow Automation and Creation and Staffing of the City of El Paso PeopleSoft Help Desk, not included in the Agreement dated March 13, 2001.

Mr. Bill Chapman, Chief Financial Officer, noted that the following language would be inserted into the Resolution "and Creation and Staffing of the City of El Paso PeopleSoft Help Desk,".

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **THOMAS L. CRANE**, as an Information Technology Projects Coordinator for the Information Technology Department at a biweekly rate of \$3,173.08, minimum of 40 hours per week. The total amount of contract shall not exceed \$82,500.00 per year. The term of the contract shall be for the period of December 3, 2001 through December 2, 2003.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract for an Independent Contractor between the **CITY OF EL PASO** and **CARLOS CALLEJO** to present slide presentations of the murals at the Armijo Library. The total amount of the contract shall not exceed \$50.00. The services are to be performed no later than November 16, 2001.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract for an Independent Contractor between the **CITY OF EL PASO** and **JOSE GALVEZ** to present a lecture and show photographs at the Main Library. The total amount of the contract shall not exceed \$250.00. The services are to be performed on a date mutually agreed to between the Library Director and the Contractor, but no later than December 31, 2001.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Professional Services Independent Contractor Contract between the **CITY OF EL PASO** and **PETER M. KOPLOS, D.V.M.**, for on-call veterinary services for the El Paso Zoo at the rate of \$50.00 per hour not to exceed 50 hours per month or \$2,500.00. The total amount of the contract shall not exceed \$30,000.00. The contract term is from October 24, 2001 through October 23, 2002.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a Sublease Agreement between the City of El Paso and the Sun Bowl Association to utilize a warehouse at 10823 Pellicano to build the City of El Paso Solid Waste Management's Las Palmas Del Sol Sun Bowl Parade float.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with **CHEVRON PRODUCTS CO., A DIVISION OF CHEVRON USA** to lease them Five (5) 4 Cubic Yard Dumpsters, for a service fee of \$15.00, Thirty (30) 32 Gallon Containers and One hundred thirty-two (132) 8 Gallon Baskets for a service fee of \$5.00 each month and their recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner: **REYES & FRANCISCA G. LOPEZ** of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation

of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Deputy Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

600 Pinar Del Rio, City of El Paso, El Paso County, Texas, being more particularly described as Lot 16, Block 1, Colonia Miramonte #1 Subdivision, Parcel C736-999-0010-3100,

to be FOUR HUNDRED ELEVEN AND 35/100 DOLLARS (\$411.35) as reported by the Deputy Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Thirtieth day of September, 2000 and approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of Four Hundred Seventeen and 35/100 Dollars (\$411.35) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's Office relating to the proceeding against the abovedescribed property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner: GONZALEZ, LARRY & SARAH (CS) of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Deputy Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

6000 Block Sorrel Drive, City of El Paso, El Paso County, Texas, being more particularly described as Lot NWLY PT OF 3 (.3949 ACRE), Block 8, Green Acres Subdivision, Parcel G688-999-0008-0050,

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner: ELMER PULSEN & LARRY O. HAHN of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Deputy Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

5721 Fairbanks Drive, City of El Paso, El Paso County, Texas, being more particularly described as Lot PT OF 3 BEG 6.51 FT E OF SWC OF 3, (2.92 FT ON ST, 128.38 FT ON W, 25.17 FT ON N, 123.07 FT ON E), Block 3, Colonia Verde Subdivision, Parcel C741999-0030-0600,

to be TWO HUNDRED FORTY ONE AND 40/100 DOLLARS (\$241.40) as reported by the Deputy Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Twenty Eighth day of September, 2000 and approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of Two Hundred Forty One and 40/100 DOLLARS (\$241.40) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's Office relating to the proceeding against the abovedescribed property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner: COMMERCIAL G. DIETER of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Deputy Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

0000 George Dieter Drive/Pendale Street, City of El Paso, El so County, Texas, being more particularly described as Lot 1, Block 354, Vista Del Sol #79 Subdivision, Parcel V893-999-3540-0100,

to be FIVE HUNDRED TWO AND 82/100 DOLLARS (\$502.82) as reported by the Deputy Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Sixth day of March, 2001 and approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of Five Hundred Two and 82/100 Dollars (\$502.82) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

.....
***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner: MARTHA & MANUEL DE LA CERDA of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Deputy Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

10844 Vista Lomas Drive, City of El Paso, El Paso County, Texas, being more particularly described as Lot 13 (10737 SQ FT), Block 15, Vista Del Sol Subdivision, Parcel V893-999-0150-2500,

to be ONE HUNDRED THIRTY AND 98/100 DOLLARS (\$130.98) as reported by the Deputy Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Fourth day of May, 2001 and approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of One Hundred Thirty and 98/100 (\$130.98) to be a lien on the above described property, said

amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

.....
***R E S O L U T I O N**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner: HARANN INVESTMENTS, INC. of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Deputy Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

612 South Florence Street, City of El Paso, El Paso County, Texas, being more particularly described as Lot 16 (3120 SQ FT), Block 107, Campbell Subdivision, Parcel C050-999-1070-5700,

to be EIGHTY SIX AND 06/100 DOLLARS (\$86.06) as reported by the Deputy Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Fourth day of December, 2000 and approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of Eighty Six and 06/100 (\$86.06) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's Office relating to the proceeding against the abovedescribed property are made a part of this Resolution by reference.

.....
*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to exercise the City's option to extend Contract No. 2001-127C between the City of El Paso and Chemtek, Inc., Yanceville, North Carolina, to provide Runway Derubberization and Friction Measurement Services for the El Paso International Airport (for two additional years) starting April 4, 2002, and ending April 3, 2004.

Department: Department of Aviation
Funds available: 62620003-503121-40101
Funding source: Airport Operating Fund
Total amount: \$31,000.00 (estimated annually)

*Motion made, seconded and unanimously carried to approve the following provisional appointment(s) in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Cashier Clerk (1)

*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Equipment Maintenance:

Delete	1.0	VOE Clerk	
Add	1.0	Personnel & Accounting Clerk	GS15

*Motion made, seconded and unanimously carried to appoint Bernard J. Sargent to the Parks and Recreation Advisory Board by Representative Sumrall.

*Motion made, seconded and unanimously carried to appoint Carl V. Daniel, Jr. to the Historic Landmark Commission (Architect Position) by Representative Sumrall.

*Motion made, seconded and unanimously carried to appoint Ruth Taber to the Mayor's Advisory Board on Aging by Representative Sumrall.

*Motion made, seconded and unanimously carried to award Bid No. 2002-011 Pool Chemicals

Contractor:	Vendor (1)	Baron Chemical Co., Inc. El Paso, Texas
Item(s):		3, 4, and 5
Amount:		\$776.50 (estimated annually)

	Vendor (2)	D. Gilmore Dist., Co., Inc. El Paso, Texas
Item(s):		1,2,6,8,9,10,11,12,13,14,15,16,27
Amount:		\$35,168.20 (estimated annually)

Department: Parks and Recreation/Aquatics
Funds Available: 51010281-503112-500203
Funding Source: User Fee
Total Award: \$36,124.70

The Parks and Recreation and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Item #7 is a tie bid between D. Gilmore Dist. Co., Inc. and Universal Supply Co (\$180.00). It is requested that City Council draw lots on this item to determine award.

Vendor #1 offers the City a prompt payment discount of 2% 20 days.

Vendor #1 offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award, but subject to price increase if manufacturer increase price.

This is a Requirements Type Contract with an initial term of Twenty Four (24) months.

.....
Motion made, seconded and unanimously carried to move to the Regular Agenda Bid No. 2002-005 Del Norte Acres Neighborhood Improvements

Representative Sariñana brought pictures and distributed them to the Council Members for their information. He discussed the asphalt utilized during this project and noted that the asphalt is only six months old and is already separating. He brought a list of projects which Silverton Construction is working on for the City and made remarks regarding the parking lot at the Zoo and the Union Plaza Streetscape. He noted that the parking lot project at the zoo is 123 days late, as well as, being 12 weeks behind for the Union Plaza Streetscape project. He asked that the contractor be held to the contract(s). He added that he would not support the item on the Agenda today.

Representative Cook remarked on the parking lot issue at the zoo and noted that the project was delayed due to a conduit, owned by Southwestern Bell, which needed to be removed. This delayed the project 80 days. He stated that any discrepancy in a project must be a part of the "punch list" if it needs to be rectified.

Ms. Irene Ramirez, Assistant Deputy Director – Engineering, remarked that Representative Cook's comments regarding the "punch list" were correct and explained that items regarding the zoo parking lot project are currently being negotiated. Representative Cook stated that if the item were postponed one week it would allow Silverton the opportunity to abide by their commitment regarding having all the items on the "punch list" repaired.

Mr. Daryl Cole, Deputy Director for Streets, responded that he had asked Silverton Construction to address issues regarding the Union Plaza Streetscape project and "punch list" items for the street resurfacing project, specifically Giles next to Hyde. He stated these issues would be completed by the 3rd of November.

Representative Sariñana responded that all of Giles street is failing not only the intersection of Hyde and Giles. He noted the areas of Giles that were failing for the public information. Representative Cook suggested that Representative Sariñana accompany Mr. Cole and point out all the discrepancies for Mr. Cole.

Representative Cobos addressed the Union Plaza Streetscape project issues and stated that it has been 12 weeks since the problems were brought to Mr. Cole's attention. He explained that Silverton Construction is a good company that does good work; however, he thought that the company might be overextending itself.

Mr. Cole addressed Representative Cobos' comments and stated that the ballasts have been causing problems in the Union Streetscape project.

Representative Sariñana remarked that, in his opinion, he does not believe that Silverton is the lowest responsive, responsible bidder and stated that there was only a \$6,000.00 between Silverton Construction and the second lowest bidder (JAR Concrete) on the bid.

Ms. Rita Rodriguez, City Attorney, stated that the item would need to be postponed one week to comply with the law.

Mr. Byron Johnson, Director of Purchasing, explained that Silverton Construction was aware that the item was on the Agenda today. He stated that the Public Works Department was directed to provide information to Council Members regarding the number of and status of the contracts that Silverton is working on for the

City. He noted that Silverton is working on five projects for the City and described the status of the projects for Council Member's information. Mr. Johnson also noted that he had provided Council Members with information regarding the number of problems with Silverton Construction contracts and described these for Council Members information. He remarked that Silverton is addressing the issues/problems and the City does not show that the company is not in compliance.

Representative Rodriguez asked if she might have a copy of the "punch list" as discussed earlier.

Ms. Ramirez stated she would provide that information for Representative Rodriguez.

Ms. Debbie Hamlyn, Director of Community & Human Development, suggested that the item not be postponed longer than one week due to the critical nature and expenditures for the project.

Motion made by Representative Medina, seconded by Representative Cook and unanimously carried to postpone one (1) week Bid No. 2002-005 Del Norte Acres Neighborhood Improvements

Contractor: Silverton Construction Company, Inc.
El Paso, Texas

Department: Community Development
Funds available: 71150069-G7127CD0010-32002-508027
Funding source: CD
Base Bid I: \$618,067.00
Base Bid II \$ 2,000.00
Total Award: \$620,067.00

The Purchasing Department recommends the award of this contract to Silverton Construction Company, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the Deputy Director for Engineering, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

1. Lump Sum Component

As part of the award of this contract, the Director of Public Works is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

2. Unit Price Component

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

DESCRIPTION OR EXPLANATION:

Base Bid I: \$618,067.00
Base Bid II \$ 2,000.00
Total Award: \$620,067.00
Total Recommended Award: \$620,067.00

.....

*Motion made, seconded and unanimously carried to approve budget transfer BT2002-043 COMMUNITY DEVELOPMENT The Corporation for National Service approved an administrative increase in the amount of \$7,982. This administrative increase increases the award from \$399,093 to \$407,075.

Increase	\$ 500	to	71150005/G7102FGFEDR05148/503100	OffSup
Increase	\$1,548	to	71150005/G7102FGFEDR05148/503101	MinOffEquip
Increase	\$ 672	to	71150005/G7102FGFEDR05148/504201	TrvlExpEmp
Increase	\$2,030	to	71150005/G7102FGFEDR05148/504406	OtherSrvcs
Increase	\$1,797	to	71150005/G7102FGFEDR05148/504417	Volunteer Mlg
Increase	\$1,435	to	71150005/G7102FGFEDR05148/508010	Data Proc
Increase	\$7,982	to	71150005/G7102FGFEDR05148/406000	Federal Grnt

*Motion made, seconded and unanimously carried to approve budget transfer BT2002-045 LIBRARY The Library request for the Texas Trans Pecos Library System this transaction to reduce funds as required by the grant allocation for FY02.

Decrease	\$12,134	from	53150006/G53020307006/406001	ST Grnt Proc
Decrease	\$12,134	from	53150006/G53020307006/504415	Indirect Cost

*Motion made, seconded and unanimously carried to approve budget transfer BT2002-048 LIBRARY This budget transfer will set up TSL Cooperative Grant (#479-02032). The granting period is 9/01/01 through 8/31/02.

Increase	\$65,385	to	53150006/G53020407009/406001	ST Grnt Proc
Increase	\$ 5,786	to	53150006/G53020407009/502107	Data Proc
Increase	\$59,599	to	53150006/G53020407009/508010	DataProc Equip

*Motion made, seconded and unanimously carried to approve budget transfer BT2002-046 LIBRARY The Library request for the Texas Trans Pecos Library System the realignment of accounts as required by grant allocation for FY02.

Decrease	\$2,683	from	53150006/G53020307006/502000	Pers Srv Cont
Increase	\$2,683	to	53150006/G53020307006/502215	Outside Cont
Decrease	\$ 332	from	53150006/G53020307006/504415	Indirect Cost
Decrease	\$1,055	from	53150006/G53020307006/501000	Non Unif Wag
Decrease	\$ 121	from	53150006/G53020307006/501007	Longevity
Decrease	\$ 440	from	53150006/G53020307006/502107	Data Proc
Decrease	\$ 842	from	53150006/G53020307006/502209	Print Srv Cont
Decrease	\$ 622	from	53150006/G53020307006/502229	OffEqMaintCont
Decrease	\$ 100	from	53150006/G53020307006/502304	Mail Room
Decrease	\$ 558	from	53150006/G53020307006/502404	Off Equip Lse
Decrease	\$1,681	from	53150006/G53020307006/503100	Office Sup
Decrease	\$ 436	from	53150006/G53020307006/504001	Long Distance
Decrease	\$ 400	from	53150006/G53020307006/504412	Sem Cont Ed
Decrease	\$ 273	from	53150006/G53020307006/508039	LibBksHardback
Increase	\$ 394	to	53150006/G53020307006/502301	Motor Pool
Increase	\$ 200	to	53150006/G53020307006/502302	Print Shop
Increase	\$ 500	to	53150006/G53020307006/503102	Promo Sup
Increase	\$ 100	to	53150006/G53020307006/504003	Postage
Increase	\$ 200	to	53150006/G53020307006/504004	Shipping
Increase	\$5,466	to	53150006/G53020307006/508043	Lib Snd Record

*Motion made, seconded and unanimously carried to approve budget transfer BT2002-052 AIRPORT To set up funding for utilities relocation to be reimbursed by El Paso Water Utilities FY2002.

Increase	\$126,420.30	to	62620026/P50002810041033/405067	Reimb Exp
Increase	\$126,420.30	to	62620026/P50002810041033/508027	Const(CWIP)

.....

*Motion made, seconded and unanimously carried to postpone one week the request of United American Veterans Organization to hold a Veteran's Day parade on November 10, 2001 from 10:00 a.m to 1:00 p.m. Route: Start at Myrtle & Florence, proceed west to Kansas, turn left on Kansas, proceed on Kansas to Overland, turn right on Overland, proceed on Overland and go one block past Oregon then turn right and proceed to Mills, turn right and proceed on Mills to Kansas, turn right on Kansas one block to Texas, turn left to Florence and disband. Reviewing stand will be at San Jacinto Plaza. Approximately 1,500 persons, 40 automobiles and 10 floats/trolleys will take part and 2,000 spectators are anticipated. This request includes permission to use amplification (amplifier/microphone). Request waiver of fees for \$15.75 for processing of application and fees for police traffic assistance. Signed affidavit submitted. PERMIT NO. 01-151.

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*Motion made, seconded and unanimously carried to approve the request of Austin High School to hold a homecoming parade on November 2, 2001 from 6:00 p.m. to 7:00 p.m. Route: Start at Newman Park on Louisiana and Richmond, turn right on Altura, east on Altura to Stevens, turn left on Stevens, proceed to McKee Stadium where parade will end. Approximately 200 persons and 15 vehicles will take part and 500 spectators are anticipated. This request includes permission to use amplification (megaphones). PERMIT NO. 01-150

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*Motion made, seconded and unanimously carried to approve the request of Sexual Trauma & Assault Response Services to hold a foot race/walk on November 4, 2001 from 9:00 a.m. to 10:30 a.m. Route: Marwood Park entrance to River Bend, River Bend to Sunset, Sunset to Vista Del Monte, to Meadowlark, to Camino Real, to Montoya, to Meadowlark, to Vista Del Monte, to Sunset, to River Bend, to Roxbury, around school and finish by Marwood Pavilion. Approximately 600 persons will take part and 100 spectators are anticipated. PERMIT NO. 01-154

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Representative Sariñana requested that the following Ordinance be discussed during Executive Session, before the Public Hearing:

An Ordinance changing the zoning of a portion of Lot 3, Block 55, Rangers Rest Subdivision Unit One, City of El Paso, El Paso County, Texas (1015 North Zaragoza Road) from R-4 (Residential) to C-1 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code.

See Executive Session items on Pages 31 and 32 of these minutes for action and/or further discussion on this item.

.....

*Motion made, seconded and unanimously carried to postpone two (2) weeks an Ordinance granting a Special Privilege to Aventis Behring, Owner, permitting the encroachment of two wall signs onto public right-of-way at 720 Texas Street. Fee: \$3,300.00. SP-01015.

.....

*Motion made, seconded and unanimously carried to postpone two (2) weeks an Ordinance granting a Special Privilege to Aventis Behring, Owner, permitting the encroachment of one wall sign onto public right-of-way at 3515 Alameda Avenue. Fee: \$1,650.00. SP-01016.

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ORDINANCE 14963

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS), OF THE EL PASO MUNICIPAL CODE, TO REDUCE THE SPEED ON CERTAIN SECTIONS OF ZARAGOZA ROAD. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

Representative Escobar asked Mr. Ted Marquez, Traffic Engineer Division Manager – Engineering, to elaborate.

Mr. Marquez explained that the Texas Department of Transportation conducted a study for the reduction of speed. He noted where the reductions of speed would be enforced. He made remarks regarding the school(s) in the area and how the speed reduction would help alleviate problems.

Representative Power asked what the speed limit was and what it was reduced to.

Mr. Marquez stated that there were three speed limit reductions, 50, 55 and 60; they were reduced to 45 and 50 and the speed limit for the school zone would be reduced to 30 mph.

Motion duly made by Representative Escobar, seconded by Representative Sariñana, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 14964

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.010 (SCHEDULE 1– ONE-WAY STREETS) TO INCLUDE LAUREL STREET, NORTH BOUND BETWEEN YANDELL AVENUE AND WYOMING AVENUE. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

Representative Cobos asked for elaboration.

Mr. Ted Marquez, Traffic Engineer Division Manager – Engineering, explained that vehicles were making a left turn onto Laurel and causing traffic situations; therefore, when the street resurfacing was done on Laurel Street the Traffic Engineering Department converted this into a one way.

Motion duly made by Representative Cobos, seconded by Representative Sariñana, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
RESOLUTION APPROVING DETAILED SITE DEVELOPMENT PLAN NO. DP-01025, FOR A PORTION OF LOT 2, BLOCK 290, VISTA DEL SOL UNIT 59, EL PASO, EL PASO COUNTY, TEXAS (1515 GOODYEAR DRIVE), PURSUANT TO SECTION 20.04.140 OF THE EL PASO MUNICIPAL CODE.

WHEREAS, **Horrell Custom Homes Construction** (the "Applicant") has applied for approval of a detailed site development plan pursuant to Section 20.04.140 (Zoning) of the El Paso Municipal Code to permit the construction and development of a machine shop; and

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended approval of the subject detailed site development plan; and

WHEREAS, the subject detailed site development plan has been submitted to the City Council of the City of El Paso for review and approval;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. Pursuant to Section 20.04.150 of the El Paso Municipal Code, the City Council hereby approves the detailed site development plan submitted by the Applicant to permit the construction and development of a machine shop on the following described property, which is located in a **P-I (Planned Industrial) District**:

A portion of Lot 2, Block 290, VISTA DEL SOL UNIT 59, El Paso, El Paso County, Texas, as more particularly described by metes and bounds in the attached and incorporated Exhibit "A"; and municipally known and numbered as 1515 Goodyear Drive, El Paso, Texas.

A copy of the approved detailed site development plan, signed by the Applicant, the Mayor and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "B" and incorporated herein by reference.

2. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the **P-I (Planned Industrial) District** regulations.

3. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the **P-I (Planned Industrial) District** regulations. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

4. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

Motion made by Representative Escobar, seconded by Representative Power and unanimously carried to approve the above Resolution.

.....

*Motion made, seconded and unanimously carried to delete the Public hearing to determine if the property located at 1009 Southside Rd., AKA 1245 Southside Rd., in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of this property, Benjamin & Elizabeth Madera, 1245 Southside Rd., has been notified of the violations at this property.

.....
Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to delete the Public hearing to determine if the Council Resolution of August 21, 2001 for the property located at 411-413 S. Florence Street, in the City of El Paso (legal description on file with the City Clerk) has been complied with and to determine penalties if the Council Order has not been complied with. The owners of this property, Guillermo Stephens & 8, 1223 Wagner Lane, has been notified of the violations at this property.

Representative Cobos thanked Mr. Maguire for showing him the property yesterday. He commented on the condition of the property and asked how the City might assume ownership of this property. He asked if there might be any government projects that would assist "blighted areas".

Mr. Maguire stated yes that many programs exist which are funded through Community Development funds. He explained that Mr. Blake Fry, Grants Writer, has other possible fund sources that might be available.

.....
*Motion made, seconded and unanimously carried to delete the Public hearing to determine if the property located at 6059 Deer Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of this property, Doyal S. and Darleen Henderson, P. O. Box 4018, El Paso, TX 79914, have been notified of the violations at this property.

.....
RESOLUTION

WHEREAS, the Building Official and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 3321 McLean Street in El Paso, Texas, which property is more particularly described as follows:

Lot: 36, Block 76, Pebble Hills Subdivision Unit 8, a Subdivision in the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 48, Page 3, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation or use; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Albert M. Sarabia and Michael S. Mowles, 13781 Horizon Boulevard, El Paso, Texas 79927, record Owners, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on October 30th, 2001; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

- 1. That City Council having heard the evidence, makes the following findings:

- a. That the structure located on said property is condemned as unsafe and dangerous, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - c. The structure's certificate of occupancy is hereby revoked; and
 - d. That the structure can not feasibly be repaired.
1. That the City Council hereby orders Owners to comply with the following requirements:
 - a. That the Building be demolished within (30) days; and
 - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - c. That a public hearing be scheduled for January 8th, 2002 in the City Council Chambers, to determine, if the Council order has been complied with and, if not, to determine penalties; and
 - d. That the Owners of said Building are hereby ordered to comply with all requirements of the Resolution; and
 - e. The owners are advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
 - f. That upon failure of the Owners to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Building and clean the premises of all weeds, trash, and debris; and
 3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Deputy Director of Building Services shall demolish the Building and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and
 4. That said Owners shall become personally liable for all costs incurred by City in connection with demolishing the Building and cleaning the premises of all weeds, trash and debris; and
 5. That the costs incurred by the City in connection with the demolishing the Building and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
 6. That upon failure of the Owners to comply with this Order, one or more of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and
 7. That upon failure of the Owners, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an

action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and

8. The Owners, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Services Department, presented the case to Council Members and gave the Department's recommendations.

Representative Power questioned whether the property owners were present and remarked that many constituents have complained about the property. He stated that he would like to have the building demolished.

Mr. Maguire explained that he had received a telephone call this morning from one property owner who explained that he would not be able to attend this morning's Council meeting.

Representative Escobar asked if the property owner gave a reason as to why he would not attend today's Council meeting.

Mr. Maguire responded that the gentleman explained that he had just started a new job and would not like to jeopardize the new employment.

Representative Cook questioned the Resolution language pertaining to the feasibility of the repairing the building.

Mr. Maguire explained that the Department does not consider the building feasible to repair; however, the Department has given the property owner the option of providing an engineer's report. As of today, the Department recommends demolishing the building.

Representative Sumrall questioned the "Certificate of Occupancy" and whether the Building Services Department has revoked this.

Mr. Maguire explained that the Building Services Department would revoke this Certificate of Occupancy until the building is brought up to code. He stated the Building Services Department's recommendation is to demolish the building as soon as possible.

Ms. Rita Rodriguez, City Attorney, reiterated that the Building Service's recommendation is to ask Council Members to make a finding that the building is not feasible to repair.

Motion made by Representative Power, seconded by Representative Escobar and unanimously carried to accept the Department's recommendation and approve the above resolution.

.....
ORDER

WHEREAS, after providing due notice to the Owner of the hereinafter described property, the City Council of the City of El Paso conducted a Public Hearing on August 28th, 2001, and October 30th, 2001 regarding the property located at 5725 Kapilowitz Court particularly described as:

Lot: 24, Block 3, of Hughes Subdivision, Block 2, of the Alameda Acres Addition, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 13, Page 15, Plat Records of El Paso County, Texas

and found that the Building and accessory structures located on said property are substandard; unfit for habitation or use, and a hazard to public health, safety and welfare; and that the Building and accessory structures are not in substantial compliance with the Municipal Ordinances, and that the Building can not be repaired; and

WHEREAS, having found that the Building and accessory structures are not in substantial compliance with the Municipal Ordinances, the City Council ORDERED the Owner of said property to demolish the Building and accessory structures and remove all weeds, trash and debris, within 30 days of adoption of the Resolution dated August 28th, 2001, that is on or before September 28th, 2001.

WHEREAS, the City Council ORDERED the Owner of said property to appear before City Council on October 30th, 2001, for a Public Hearing to determine whether the Council Order has been complied with, and to determine penalties if the Council Order has not been complied with:

WHEREAS, no one appeared.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council, having heard the evidence, makes the following findings:
 - a. That the Owner of said property, Tony Rivera, 12365 Mantaque, Pacoima, CA 91331, was notified of the requirements of Section 18.52.040 and of his need to comply with these requirements as they relate to their property; and
 - b. That after notification, the Owner committed an act in violation of Section 18.52.040 or failed to take an action necessary for compliance with 18.52.040, specifically; the Owner failed to demolish the Building and accessory structures, and clean the premises of all weeds, trash and debris within 30 days after August 28th, 2001 that is, on or before September 28th, 2001; and
 - c. That the Owner has failed to comply with the Order each day from September 28th, 2001 through October 30th, 2001, a total of 33 days; and
 - d. That the property which is subject to the Order is not the Owner's homestead; and
 - e. That the City Council can assess a civil penalty against the Owner in an amount not to exceed \$1,000.00 a day for each violation, a total of 33,000.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

- 1) That the owner has not complied with the City Council Order of August 28th, 2001; and
- 2) That the building and accessory structures be demolished and the lot cleaned of all weeds, trash and debris by the City of El Paso on or after September 28th, 2001
- 3) That a lien be placed on the property to cover all costs incurred in the demolition.
- 4) That the City Clerk file a certified copy of the Order with the District Clerk of the County of El Paso; and
- 5) That the owner be placed on notice that continuing failure to comply with City Council Order to demolish and clean the premises may result in additional and more severe penalties.

Mr. Thomas Maguire, Building Services Department, presented the case to Council Members and gave the Department's recommendation(s).

Motion made by Representative Medina, seconded by Representative Sumrall and unanimously carried to accept the Department's recommendations and approve the above Order.

.....
Discussion and action on a recommendation by the Bond Overview Advisory Committee that the Edgemere Median Project (\$230,000) and the Houston Parks Renovations Project (\$77,000) be moved from Year 2 to Year 6, and that the West Green Park Project (\$305,000) be moved from Year 6 to Year 2 as proposed by the Parks Advisory Board and the Parks and Recreation Department at the request of the West Green Neighborhood Improvement Association. City staff is instructed to take appropriate action.

Representative Sumrall explained that she had spoken with Mr. Bill Chapman, Chief Financial Officer, and that he had looked into the financial feasibility of moving the projects. She read his letter into the record. In the letter it was stated that "he would be remiss without mentioning that accelerating future projects forward, without first reviewing the fiscal requirements, could impact future debt service rates". She interpreted this to mean moving projects forward would need to go through him first so that research into the financial aspects may be addressed.

Representative Medina questioned why the item was being moved forward. He expressed his displeasure in regard to moving projects forward, specifically this item, when the item is not of an emergency nature.

Representative Rodriguez expressed her displeasure regarding this item and stated that other Council Members would be asking that their projects be moved forward as well.

Representative Sumrall explained her case as follows: She noted that in Representative Medina and Representative Rodriguez's districts there was tremendous Community Development monies being infused. She explained that the area in question does not have a park and is an extremely low income area which does not qualify for Community Development. She stated that this was a very unusual case and she was not sure as to why the item was placed in the year that it was placed in. She stated the area was annexed 20 years ago and still does not have any roads not to mention a park.

Representative Power echoed Representative Sumrall's comments but he was concerned that Representative Sumrall was making adjustments to the rules. He asked that Council Members not make any more changes to these projects and their project years due to the constituents concerns, remarks and other issues.

Representative Cobos stated that each project is individual and should be taken case by case.

Mr. Charles Nutter, Director of the Parks & Recreation Department, pointed out that this was a unique situation whereas the West Green Neighborhood Improvement Association requested that the park be moved forward in project years. He stated the Parks & Recreation Board and Bond Advisory Overview Committee heard and approved the Association's request.

Representative Rodriguez asked Mr. Nutter in year 2, how many park improvements were there and why were these specific parks chosen.

Mr. Nutter responded 18. He noted that in regards to Houston Park most of the work was with the CD grant; in the case of Edgemere Park, the improvements could be deferred.

A representative from the West Green Neighborhood Improvement Association spoke and emphasized the need for the park due to the number of children living in the neighborhood. She explained that according to the latest census 32% of the neighborhood is comprised of children and these children do not have a safe place to play. She explained that recently two children were "bumped" by a vehicle because the children were playing in the street and did not see the car coming.

Mr. Bill Chapman, Chief Financial Officer, explained that there is sufficient cash flow for the current projects that would not impact the debt service.
Mr. Charlie McNabb, Chief Administrative Officer, explained that when the City authorized these projects a schedule of payment was subsequently composed. He stated that it would wise for Council Members to discuss these projects on a case-by-case basis.

Representative Cook reiterated that the Bond issue was a Quality-of-Life issue and the voters agreed to these projects. He understood that it might be necessary to move certain projects around; however, with a certain degree of caution. Representative Cook stated he drove through the area and noted that the residents were underserved and very poor. He stated that he would be voting in favor of moving this project forward for the sake of the children.

Representative Escobar remarked that finances must dictate whatever decision Council Members make. He commented on other projects being moved about; however, in this instance the City is working within the realm of the Quality of Life projects. He was concerned with Council Members moving projects forward and questioned what the outcome might be when a true emergency situation arises.

Representative Sariñana stated that the voters knew exactly what they were voting for during the Bond election and that Council Members should be very, very careful when moving projects forward.

Representative Escobar asked the Council Members if it might be possible to give the Bond Overview Committee factors to consider when discussing moving the projects.

Mayor Raymond C. Caballero agreed with Representative Escobar's comments in that the Bond Overview Committee may need guidance, factors, etc. He recommended Council Members come up with some type of guidance for the Committee. He asked where the nearest park would be for these children to play in.

Mr. Nutter explained that this area was the most highly underserved in the City and that there was not a park in close proximity for these children to play in.

Mayor Caballero asked that the Council Members follow the process and then decide where this project might be placed.

Mr. McNabb explained that the Parks Board and the BOAC recommended that this project be moved forward; however, two other projects be moved down. Mr. McNabb suggested that the Council Members send the item back to the Parks Board and BOAC for further financial discussions.

Mayor Caballero suggested a Legislative Review Committee be held to discuss factors and financial advice from Mr. Bill Chapman, Chief Financial Officer, which might suggest other options rather than moving the two projects back.

Representative Escobar asked that a representative from the OMB office be present at the Legislative Review Committee meeting.

Representative Sumrall addressed points brought up by other Council Members. She stated that immediately following the Quality of Life project list she had sent a request to move this particular project up in project years; however, it was not supported at that time. She reminded Council Members that the other projects were not being moved down to other years. She stated that she was in agreement regarding funding for the Armijo pool.

Motion made by Representative Sumrall, seconded by Representative Power and carried to approve the request that the West Green Park Project (\$305,000) be moved from Year 6 to Year 2 at the request of the West Green Neighborhood Improvement Association. City staff is instructed to take appropriate action.

Representative Sumrall, Representative Cook, Representative Power, Representative Escobar and Representative Cobos voted Aye.
Representative Rodriguez, Representative Medina and Representative Sariñana voted Nay. The Motion passed 5-3.

.....
Motion made, seconded and unanimously carried to postpone one (1) week the discussion and action regarding bike lane on Piedras St. that has affected parking for patrons of small business along Piedras. (Antonio Castro)

.....
*Motion made, seconded and unanimously carried to postpone two (2) weeks the discussion and action on selection and purchase of property for the new Animal Shelter. (Representative Sumrall and Representative Cook)

.....
Motion made by Representative Sariñana, seconded by Representative Sumrall and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance to amend Title 13 (Streets, Sidewalks and Public Places), Chapter 13.24 (City Parks and Recreation Areas), Section 13.24.200 (Rental Rates and User Fees Authorization) to establish or increase program, activity, league and tournament fees.
- B. An Ordinance authorizing the Mayor to execute a Quitclaim (Tax Resale) Deed for Tract 9-N (1.95 ACRES), Block 18, San Elizario Grant, an Addition in El Paso County, Texas.
- C. An Ordinance adopting an Order concluding that the Rate Request filed by Time Warner Communications ("Time Warner") was facially incomplete, and Tolling various Time Periods in accordance with 47 CFR 76.933(G) and 47 CFR 76.937 (E) and providing an effective date.

PUBLIC HEARING TO BE HELD ON NOVEMBER 13, 2001 FOR ITEMS A - C

- D. An Ordinance changing the zoning of a Portion of Lot 2 and a Portion of Lot 5, Block 2, STILES GARDENS, El Paso, El Paso County, Texas (7102 and 7108 North Loop) as follows: Parcel 1, from C-1 (Commercial) to C-3 (Commercial); and Parcel 2, from C-1 (Commercial) to C-2 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Mr. Modesto Paredes / Representative: Luis De La Cruz, 9013 Lait Drive, El Paso, TX 79925 ZC-01057.
- E. An Ordinance amending Ordinance No. 012476 which modified fees, the Indemnification and Fidelity Obligation Articles of the Standard Foreign Trade Zone User Agreement, and authorized the Director of the Department of Economic Development to execute User Agreements for Foreign Trade Zone No. 68 on behalf of the City of El Paso.
- F. An Ordinance amending Title 20 (Zoning), of the El Paso Municipal Code to authorize the City Plan Commission to be the final authority on the approval of detailed site development plans, and amending Planned Residential I and II District requirements. The penalty being as provided in Section 20.68 of the Municipal Code.

PUBLIC HEARING WILL BE HELD ON NOVEMBER 20, 2001 FOR ITEMS D – F

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

Mr. John Nance, Assistant City Attorney, requested that the following language be deleted from the Ordinance adopting an Order concluding that the Rate Request filed by Time Warner Communications ("Time Warner") was facially incomplete, and Tolling various Time Periods in accordance with 47 CFR 76.933(G) and 47 CFR 76.937 (E) and providing an effective date: "designating the City's Designee for the Cable Television Rate Review and". He asked that the ordinance be introduced as shown in the motion above.

Representative Sumrall requested that the Ordinance regarding Time Warner be discussed during Executive Session as she had a legal question.

Representative Medina remarked that the Ordinance would be revised and discussed during Executive Session.

.....
 *Motion made, seconded and unanimously carried to delete the Introduction of an Ordinance amending Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Section 20.04.030 (City Council) and Section 20.04.150 (Designated), Subsection 20.04.150g, and deleting Subsections 20.04.150h, i, and j of the El Paso Municipal Code to allow the City Plan Commission to be the sole authority on the approval of detailed site development plans. The penalty being as provided in Section 20.68 of the Municipal Code.

This ordinance was replaced with the similar ordinance shown being introduced above.

ADDITION TO THE AGENDA

*Motion made, seconded and unanimously carried to approve the request to fill positions on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

- A. Cashier II (4)
- B. Customer Accounts Tax Clerk II (2)

.....
Motion made by Representative Sariñana, seconded by Representative Cobos and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

Discussion and action on the following:

- A. Eduardo Segura vs. The City of El Paso, Cause No. 2000-144, Our File 00-S-06
- B. Elvia B. Duarte, 00-C-271
- C. Regarding Contract Number 2000-237 with Ticon, Inc.
- D. City of El Paso's Intervention in Central Appraisal District lawsuits.
- E. An Ordinance changing the zoning of a portion of Lot 3, Block 55, Rangers Rest Subdivision Unit One, City of El Paso, El Paso County, Texas (1015 North Zaragoza Road) from R-4 (Residential) to C-1 (Commercial).
- F. Introduction of an Ordinance adopting an Order concluding that the Rate Request filed by Time Warner Communications ("Time Warner") was facially incomplete, and Tolling various Time Periods in accordance with 47 CFR 76.933(G) and 47 CFR 76.937 (E) and providing an effective date.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

.....
Motion made by Representative Medina, seconded by Representative Cook and carried that the City Attorney be **AUTHORIZED TO REJECT SETTLEMENT DEMAND** in the lawsuit entitled **EDUARDO SEGURA vs. THE CITY OF EL PASO; CAUSE NO. 2000-144; Our File No. 00-S-06** as recommended by the City Attorney.

.....
Motion made by Representative Medina, seconded by Representative Cook and carried that the City Attorney be **AUTHORIZED SETTLEMENT AUTHORITY** in the claim entitled **ELVIA B. DUARTE; Our File No. 00-C-271** as recommended by the City Attorney.
.....

Motion made Representative Medina, seconded by Representative Cook and carried that the settlement reached between the City of El Paso and Ticon, Inc. be **ACCEPTED**, by the City, in its entirety as recommended by the City Attorney's Office; and that the Mayor be authorized to sign, on behalf of the City any related documentation.

Motion made by Representative Medina, seconded by Representative Rodriguez and carried that the **CITY OF EL PASO BE AUTHORIZED TO INTERVENE IN CENTRAL APPRAISAL DISTRICT LAWSUITS**; as recommended by the City Attorney.

Motion made by Representative Escobar, seconded by Representative Sariñana and unanimously carried to postpone one (1) week an Ordinance changing the zoning of a portion of Lot 3, Block 55, Rangers Rest Subdivision Unit One, City of El Paso, El Paso County, Texas (1015 North Zaragoza Road) from R-4 (Residential) to C-1 (Commercial).

Motion made by Representative Rodriguez, seconded by Representative Sumrall and unanimously carried to Introduce an Ordinance adopting an Order concluding that the Rate Request filed by Time Warner Communications ("Time Warner") was facially incomplete, and Tolling various Time Periods in accordance with 47 CFR 76.933(G) and 47 CFR 76.937 (E) and providing an effective date.

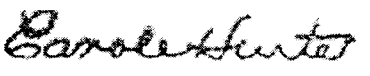
Note: This introduction was included in the motion shown on page 29 and 30 of these minutes.

Motion made by Representative Sariñana, seconded by Representative Cobos and unanimously carried to adjourn this meeting at 11:30 a.m.

Mayor Raymond C. Caballero commended Representative Cook and his staff for the tremendous effort involved regarding the event held at Cohen Stadium on October 28, 2001.

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:


Carole Hunter, City Clerk


Rita Rodriguez, City Attorney